IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MISCELLANEOUS TRANSMITTAL LETTER FOR

EFS FILINGS OF AMENDMENTS

REGARDING PAYMENT OF FEES

	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra Claims
Total Claims	57	58	0
Independent Claims	5	5	0

☒ Payment of fees is made via electronic filing system authorizing credit card payments for the extra claims and/or Petition, if applicable.

☒ In the event of computer malfunction, Applicant requests that any fees be charged to deposit account number 13-1703.

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Customer No. 20575

Respectfully submitted,

Ariel S. Rogson
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

EXHIBIT 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Martin WAUGH		
Serial No.:	10/010,627	Examiner:	Akiba K. Robinson Boyce
Filed:	November 8, 2001	Art Unit:	3639
Confirmation No.:	4871		
For:	SYSTEM AND METHOD FOR ADDING NETWORK TRAFFIC DATA TO A DATABASE OF NETWORK TRAFFIC DATA		
Date:	December 4, 2006		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Responsive to the Office Action, dated September 22, 2006, Paper No. 20060912, please amend the application as follows.

AMENDMENTS TO THE CLAIMS are reflected in the listing of claims which begins on page 2 of this paper.

REMARKS/ARGUMENTS begin on page 11 of this paper.

EXHIBIT 2
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IN THE CLAIMS

1. (Previously Presented) A method for storing network traffic data, the method comprising:

retrieving a hit record of network traffic data;

assigning the hit record to a visitor;

recognizing visit information for the visitor based on the hit record;

identifying a content group viewed by the visitor; and

storing the visit information for the visitor and the content group viewed by the visitor in a database.

2. (Original) A method according to claim 1, wherein retrieving a hit record includes retrieving the hit record from a log file.

3. (Original) A method according to claim 1, wherein retrieving a hit record includes retrieving the hit record from the database.

4. (Original) A method according to claim 1, wherein recognizing visit information includes assigning the hit record to a visit.

5. (Original) A method according to claim 4, wherein assigning the hit record includes selecting the visit based on an Internet Protocol (IP) address within the hit record and a time delta since a previous hit record with the IP address.

6. (Original) A method according to claim 4, wherein assigning the hit record includes selecting the visit based on a cookie within the hit record and a time delta since a previous hit record with the cookie.

7. (Canceled)

8. (Original) A method according to claim 1, wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business.

9. (Original) A method according to claim 1, the method further comprising extracting the visit information from a web-based form.

10. (Original) A method according to claim 9, wherein extracting the visit information includes identifying an amount of money spent during a visit.

11. (Original) A method according to claim 1, the method further comprising eliminating inaccurate counting of visit information from the database.

12. (Original) A method according to claim 11, wherein eliminating inaccurate counting includes:

identifying an open visit; and

deleting visit information derived from the open visit.

13. (Original) A method according to claim 12, wherein:

the method further comprises storing the hit record in a database; and

eliminating inaccurate counting further includes regenerating visit information from the hit record in the database for the open visit.

14. (Original) A method according to claim 12, wherein eliminating inaccurate counting further includes:

detecting an open visit in a current time slice;

determining a corresponding visit in an adjacent time slice; and

adding visit information from the open visit to the corresponding visit.

15. (Original) A method according to claim 1, wherein storing the visit information includes:

using a semaphore on the database for a time range; and

releasing the semaphore after the visit information is stored.

16. (Original) A method according to claim 15, wherein storing the visit information further includes blocking an operation on the time range until the semaphore is released.

17. (Original) A method according to claim 1, further comprising:
using a semaphore on the database;
retrieving the visit information from the database; and
releasing the semaphore after the visit information is retrieved.

18. (Previously Presented) A method according to claim 1, wherein storing the visit information further includes taking a snapshot of a setting for the database for use in analyzing the visit information.

19. (Original) A method according to claim 1, wherein retrieving a hit record includes filtering the hit record.

20. (Original) A method according to claim 1, the method further comprising purging the visit information from the database.

21. (Original) A method according to claim 1, further comprising storing the hit record in the database.

22. (Original) A method according to claim 21, further comprising purging the hit record from the database.

23. (Previously Presented) A computer-readable medium containing a program to store network traffic data, the program comprising:
retrieval software to retrieve a hit record of network traffic data;
assignment software to assign the hit record to a visitor;
recognition software to recognize visit information for the visitor based on the hit record;
identification software to identify a content group viewed by the visitor; and

storing software to store the visit information for the visitor and the content group viewed by the visitor in a database.

24. (Original) A computer-readable medium containing a program according to claim 23, wherein the retrieval software includes retrieval software to retrieve the hit record from a log file.

25. (Original) A computer-readable medium containing a program according to claim 23, wherein the retrieval software includes retrieval software to retrieve the hit record from the database.

26. (Original) A computer-readable medium containing a program according to claim 23, wherein the recognition software includes assignment software to assign the hit record to a visit.

27. (Original) A computer-readable medium containing a program according to claim 26, wherein the assignment software includes selection software to select the visit based on an Internet Protocol (IP) address within the hit record and a time delta since a previous hit record with the IP address.

28. (Original) A computer-readable medium containing a program according to claim 26, wherein the assignment software includes selection software to select the visit based on a cookie within the hit record and a time delta since a previous hit record with the cookie.

29. (Canceled)

30. (Original) A computer-readable medium containing a program according to claim 23, wherein the recognition software includes identification software to identify an advertising campaign that brought the visitor to a business.

31. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising extraction software to extract the visit information from a web-based form.

32. (Original) A computer-readable medium containing a program according to claim 31, wherein the extraction software includes identification software to identify an amount of money spent during a visit.

33. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising elimination software to eliminate inaccurate counting of visit information from the database.

34. (Previously Presented) A computer-readable medium containing a program according to claim 33, wherein the elimination software includes:

identification software to identify an open visit; and

deletion software to delete visit information derived from the open visit.

35. (Original) A computer-readable medium containing a program according to claim 34, wherein:

the program further comprises storing software to store the hit record in a database; and

the elimination software further includes regenerating software to regenerate visit information from the hit record in the database for the open visit.

36. (Original) A computer-readable medium containing a program according to claim 34, wherein the elimination software further includes:

detection software to detect an open visit in a current time slice;

determination software to determine a corresponding visit in an adjacent time slice; and

addition software to add visit information from the open visit to the corresponding visit.

37. (Original) A computer-readable medium containing a program according to claim 23, wherein the storing software includes:

using software to use a semaphore on the database for a time range; and

releasing software to release the semaphore after the visit information is stored.

38. (Original) A computer-readable medium containing a program according to claim 37, wherein the storing software further includes blocking software to block an operation on the time range until the semaphore is released.

39. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising:

using software to use a semaphore on the database;

retrieval software to retrieve the visit information from the database; and

releasing software to release the semaphore after the visit information is retrieved.

40. (Previously Presented) A computer-readable medium containing a program according to claim 23, wherein the storing software further includes snapshot software to take a snapshot of a setting for the database for use in analyzing the visit information.

41. (Original) A computer-readable medium containing a program according to claim 23, wherein the retrieval software includes filtering software to filter the hit record.

42. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising purging software to purse the visit information from the database.

43. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising storing software to store the hit record in the database.

44. (Original) A computer-readable medium containing a program according to claim 43, the program further comprising purging software to purge the hit record from the database.

45. (Previously Presented) An apparatus designed to store network traffic data, the apparatus comprising:

a computer system;

at least one hit record on the computer system;

a database on the computer system, the database designed to store visit information derived from the hit record; and

means for deriving visit information from the hit record on the computer system, the visit information including at least one content group viewed by at least one visitor.

46. (Original) An apparatus according to claim 45, wherein the hit record is stored in a log file on the computer system.

47. (Original) An apparatus according to claim 45, wherein the hit record is stored in the database on the computer system.

48. (Original) An apparatus according to claim 45, wherein the means for deriving includes a data extractor designed to extract the visit information from the hit record.

49. (Original) An apparatus according to claim 45, the apparatus further comprising means for eliminating inaccurately counted the visit information.

50. (Original) An apparatus according to claim 49, wherein the means for eliminating includes means for purging the inaccurately counted visit information from the database.

51. (Previously Presented) An apparatus according to claim 45, the apparatus further comprising a snapshot of a setting for the database for use in analyzing the visit information.

52. (Original) An apparatus according to claim 45, the apparatus further comprising a semaphore for blocking an operation on a time range in the database.

53. (Previously Presented) A method for tracking a visit information, the method comprising:

assigning a name to the visit information;

identifying a uniform resource locator (URL) and a parameter name for the value for the visit information;

specifying the URL and the parameter name as a source of a value for the visit information; and

storing the name of the visit information and the source of a value for the visit information in a database.

54. (Canceled)

55. (Original) A method according to claim 53, the method further comprising:

accessing the value for the visit information for a visitor; and

linking the visit information, the visitor, and the value for the visit information in the database.

56. (Previously Presented) A computer-readable medium containing a program to track a visitor characteristic, the program comprising:

assignment software to assign a name to the visit information;

identification software to identify a uniform resource locator (URL) and a parameter name for the value for the visit information;

specification software to specify the URL and the parameter name as a source of a value for the visit information; and

storage software to store the name of the visit information and the source of a value for the visit information in a database.

57. (Canceled)

58. (Original) A computer-readable medium containing a program according to claim 56, the program further comprising:

accessing software to access the value for the visit information for a visitor; and

linking software to link the visit information, the visitor, and the value for the visit information in the database.

59. (New) A method according to claim 1, wherein identifying a content group viewed by the visitor includes identifying the content group based on a content viewed by the visitor.

60. (New) A computer-readable medium containing a program according to claim 23, wherein the identification software includes identification software to identify the content group based on a content viewed by the visitor.

61. (New) An apparatus according to claim 45, wherein the means for deriving visit information includes means for identifying the at least one content group based on a content viewed by the at least one visitor.

REMARKS

Claims 1-6, 8-28, 30-53, 55-56, and 58 are pending. Claims 1-6, 9, 11-14, 19-28, 31, 33-36, 41-50, 53, 55-56, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,097 to Hansen et all in view of U.S. Patent No. 5,974,572 to Weinberg et al. Claims 8, 10, 30, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,097 to Hansen et all in view of U.S. Patent No. 5,974,572 to Weinberg et al. and U.S. Patent No. 5,724,521 to Dedrick. Claims 15-18, 37-40, and 51-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,097 to Hansen et all in view of U.S. Patent No. 5,974,572 to Weinberg et al. and U.S. Patent No. 6,065,068 to Foote.

Reconsideration is requested. No new matter is added. The rejections are traversed. Claims 59-61 are added. Claims 1-6, 8-28, 30-53, 55-56, and 58-61 remain in the case for consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Rejections over Hansen in view of Weinberg

Claim 1 is directed toward a method for storing network traffic data, the method comprising: retrieving a hit record of network traffic data; assigning the hit record to a visitor; recognizing visit information for the visitor based on the hit record; identifying a content group viewed by the visitor; and storing the visit information for the visitor and the content group viewed by the visitor in a database.

Claim 23 is directed toward a computer-readable medium containing a program to store network traffic data, the program comprising: retrieval software to retrieve a hit record of network traffic data; assignment software to assign the hit record to a visitor; recognition software to recognize visit information for the visitor based on the hit record; identification software to identify a content group viewed by the visitor; and storing software to store the visit information for the visitor and the content group viewed by the visitor in a database.

Claim 45 is directed toward an apparatus designed to store network traffic data, the apparatus comprising: a computer system; at least one hit record on the computer system; a database on the computer system, the database designed to store visit information derived from the hit record; and means for deriving visit information from the hit record on the computer system, the visit information including at least one content group viewed by at least one visitor.

In contrast, Hansen teaches a method for characterizing patterns of usage of a website. Hits are organized into visits. A shadow directory is constructed from the visits that compiles information relating hits made to web components. The information is then hierarchically organized, and the information stored, so that it can be organized as another website.

The Examiner acknowledges that Hansen does not teach "identifying a content group viewed by the visitor... or storing the content group viewed by the visitor" (*see* Office Action dated September 22, 2006, page 4). The Examiner cites to Weinberg as teaching this feature. Specifically, the Examiner cites to column 16, lines 9-14 of Weinberg, arguing that Weinberg "shows [that a] user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text" (*see* Office Action dated September 22, 2006, page 4). The Examiner does not cite to Weinberg as teaching any other features of the claims, and the Applicant believes that Weinberg does not teach any other features of the claims.

Weinberg teaches a system and method for generating a load test using a server access log. Weinberg begins by analyzing the pages and links in a web site, and builds a site map that graphically depicts the connections between the pages. Weinberg provides filters used to identify common web site problems: for example, links to missing pages.

The Examiner suggests that the filters of Weinberg teach "content groups" as recited in the claims. The Applicant respectfully disagrees. While Weinberg does discuss "filter buttons for filtering the content of site maps" (*see* Weinberg, column 16, lines 9-10), nowhere does Weinberg mention content groups, either explicitly or by implication. Weinberg discloses that URLs can be filtered based on a "content types", "statuses", and "local URLs and external URLs. Weinberg also provides a laundry list of what constitutes a "content type": "(a) HTML, (b) HTML forms, (c) images, (d) audio, (e) CGI, (f) Java, (g) other applications, (h) plain text, (i) unknown, (j) redirect, (k) video, (l) Gopher, (m) FTP, and (n) all other Internet services" (*see* Weinberg, column 16, lines 17-21).

The Examiner appears to be analogizing "content groups" as recited in the pending claims with "content type" described by Weinberg. While such an analogy is perhaps understandable given that "content groups" are described as "types of content" in the specification (*see* page 6, line 23), the Applicant respectfully suggests that "content groups" and "content type" are not the same concept. It is clear from the laundry list recited by Weinberg

that he considers "content type" to be based on a "type" of the page. For example, all pages that are coded in HTML are considered to be the same "type" of content as far as Weinberg is concerned. Weinberg's focus is on how the content is presented: namely, what form does the coding take.

In contrast, "content group" is determined by the "content offered by the business that can be viewed by the visitor" (*see* specification, page 6, lines 23-24). Two different pages could be part of different "content groups" as recited in the claims, but be of the same "content type" within Weinberg's analysis. For example, a content group called "pants" can include content that might span any number of Weinberg's "content groups". Since Weinberg provides a laundry list of "content types", none of which correspond with "content group" as recited in the claims, the Applicant believes Weinberg fails to teach the feature of identifying a content group.

It is worth noting that claims 1, 23, and 45 all recite that the content group is "viewed" by the visitor. New claims 59-61 further emphasize this point, reciting that the content group is identified based on a content viewed by the visitor. This reinforces the point made above, that the content group is not defined by the coding of the content, but rather by the content itself. Again, as argued above, Weinberg does not filter based on the content itself, only its coding.

As neither Hansen nor Weinberg teach or suggest identifying a content group viewed by the visitor, claims 1, 23, and 45 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 1, 23, and 45 are allowable, as are dependent claims 2-6, 8-22 24-28, and 30-44, 46-52.

Claim 9 is directed toward a method according to claim 1, the method further comprising extracting the visit information from a web-based form.

Claim 31 is directed toward a computer-readable medium containing a program according to claim 23, the program further comprising extraction software to extract the visit information from a web-based form.

Claim 48 is directed toward an apparatus according to claim 45, wherein the means for deriving includes a data extractor designed to extract the visit information from the hit record.

Claims 9, 31, and 48 describe extracting the visit information from a web-based form. The cited portion of Hansen only describes extracting selected information. The cited portion of Hansen does not describe extracting visit information from a web-based form, as claimed.

Indeed, nowhere does Hansen even mention web-based forms, let alone extracting visit information from web-based forms. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features.

As Hansen and Weinberg do not teach or suggest extracting visit information from a web-based form, claims 9, 31, and 48 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 9, 31, and 48 are allowable.

Claim 11 is directed toward a method according to claim 1, the method further comprising eliminating inaccurate counting of visit information from the database.

Claim 33 is directed toward a computer-readable medium containing a program according to claim 23, the program further comprising elimination software to eliminate inaccurate counting of visit information from the database.

Claim 49 is directed toward an apparatus according to claim 45, the apparatus further comprising means for eliminating inaccurately counted the visit information.

The Examiner has cited to 8, lines 20-22 of Hansen as teaching eliminating inaccurate counting of visit information. The Examiner briefly mentions the misuse of cookies described in Hansen, without explaining how the misuse of cookies could eliminate the inaccurate count of visit information.

At page 10, line 31, through page 11, line 20, the specification describes some forms of inaccurate counting of visit information; page 15, lines 1-12 describe two embodiments of how to eliminate inaccurate counting of visit information. The Applicant believes that the specification is clear on what is meant by inaccurate counting of visit information: there is an inaccurate count when the analysis of the hit records suggests more or fewer visits than actually occurred.

In contrast, the cited portion of Hansen merely mentions that some users are distrustful of the purposes for which servers would deposit cookies on a client machine, and are refusing to allow servers to place cookies on their machines. This has nothing to do eliminating inaccurate counts: if anything, the refusal of a client to allow a server to put a cookie on the client's machine is likely to increase count inaccuracy, if the server depends on cookies to identify visitors.

While it is true that Hansen discloses embodiments for determining visitors without using cookies, this fact is irrelevant to this argument. The Examiner has cited to the embodiment of Hansen that uses cookies to identify visitors. Using that embodiment, if a client refuses the server permission to place a cookie on the client machine, then the server will have an inaccurate count of visitors. That there might be an alternative approach to counting visits is irrelevant under this embodiment.

And even if one could combine the embodiment of Hansen that uses cookies with one of the embodiments described by Hansen that does not use cookies to count visits, the combination still does not teach how to eliminate inaccurate counts. Counts could be inaccurate for any number of reasons. For example, using the cookie embodiment, if a user were to permit a cookie to be placed on his or her machine at the start of the visit, and during the course of the visit delete the cookie, the server would think that the later website hits are from a different visit (even if a new cookie is placed on the user's machine). And in either embodiment, if a visit were underway at the time the system analyzes for visits, the hits that occurred after the analysis would be considered a separate visit, even though when analyzed using a different time window they would be considered a single visit. These examples show how there could be inaccurate counts in Hansen: Hansen does not teach or suggest how to address these inaccuracies. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features.

As Hansen and Weinberg do not teach or suggest eliminating inaccurate counting of visit information, claims 11, 33, and 49 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 11, 33, and 49 are allowable, along with dependent claims 12-14, 34-36, and 50.

Claim 13 is directed toward a method according to claim 12, wherein: the method further comprises storing the hit record in a database; and eliminating inaccurate counting further includes regenerating visit information from the hit record in the database for the open visit.

Claim 35 is directed toward a computer-readable medium containing a program according to claim 34, wherein: the program further comprises storing software to store the hit record in a database; and the elimination software further includes regenerating software to regenerate visit information from the hit record in the database for the open visit.

The dictionary definition of the transitive sense of "regenerate" is "to generate or produce anew": *see* http://www.m-w.com/dictionary/regenerating (a copy of which is attached). In contrast, Hansen tracks activity relative to web components (*see* Hansen, column 10, lines 1-3). Hansen does not teach regenerating visit information under any circumstances, let alone as part of eliminating inaccurate counts (which, as argued above, Hansen does not teach).

The Examiner has cited to column 7, lines 20-22 as teaching regenerating the visit information. But the cited portion of Hansen in fact describes problems with the prior art that required regeneration: the embodiments of Hansen in fact teach away from the need for regenerating visit information. In addition, Hansen says that "regenerated each time the Web site was altered" (*see* Hansen, column 7, lines 21-22). In other words, there is a pre-condition described in Hansen for regeneration: the website has to be altered. In the claims, no such pre-condition exists. Regeneration is to eliminate inaccurate counting from an open visit. Thus, Hansen does not teach regenerating as claimed. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features.

As Hansen and Weinberg do not teach or suggest regenerating visit information from the hit record in the database for the open visit, claims 13 and 35 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 13 and 35 are allowable.

Claim 14 is directed toward a method according to claim 12, wherein eliminating inaccurate counting further includes: detecting an open visit in a current time slice; determining a corresponding visit in an adjacent time slice; and adding visit information from the open visit to the corresponding visit.

Claim 36 is directed toward a computer-readable medium containing a program according to claim 34, wherein the elimination software further includes: detection software to detect an open visit in a current time slice; determination software to determine a corresponding visit in an adjacent time slice; and addition software to add visit information from the open visit to the corresponding visit.

In rejecting claims 14 and 36, the Examiner has cited to column 2, lines 21-30 of Hansen, and referring to the fact that Hansen teaches requesting records chronologically. But this rejection ignores the language of the claims. First, requesting records chronologically has

nothing to do with detecting an open visit in a time slice. As explained in the specification at page 9, line 32 through page 10, line 1, an open visit is a visit from an earlier import operation to which a hit record is assigned. Nowhere does Hansen teach or suggest that a visit might have been started before the current set of records is imported.

It is true that, during the course of examining any individual hit record, there will be visits that began before that hit record was generated. But that does not mean that such a visit is an open visit as claimed. The Examiner is requested to note that the definition of an open visit uses the term "import operation". During an import operation, a number of hit records are processed. Hansen does not explicitly describe any analogue to this concept: the closest implicit analogue that can be found in Hansen would be the processing of all the records in the log file during a preprocessing, as described in column 7, line 23 through column 11, line 26 of Hansen. And even if such an analogy were made, Hansen still fails to teach or suggest the concept of an open visit as claimed.

Second, the claims describe the concepts of a current time slice and an adjacent time slice. A time slice is, as described on page 9, lines 9-10 of the specification, an interval of time. But an individual record occurs at a single point in time: it does not span an interval. Thus, Hansen also fails to teach the concept of time slices as claimed. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features.

As Hansen does not teach or suggest open visits or time slices, claims 14 and 36 are patentable under 35 U.S.C. § 103(a) over Hansen. Accordingly, claims 14 and 36 are allowable.

Claim 20 is directed toward a method according to claim 1, the method further comprising purging the visit information from the database.

Claim 22 is directed toward a method according to claim 21, further comprising purging the hit record from the database.

Claim 42 is directed toward a computer-readable medium containing a program according to claim 23, the program further comprising purging software to purse the visit information from the database.

Claim 44 is directed toward a computer-readable medium containing a program according to claim 43, the program further comprising purging software to purge the hit record from the database.

Claim 50 is directed toward an apparatus according to claim 49, wherein the means for eliminating includes means for purging the inaccurately counted visit information from the database.

In rejecting claim 20, 22, 42, 44, and 50, the Examiner has cited to column 2, lines 61-67 of Hansen. The Examiner has stated that ". . . Web page giving a user access to usage information, in this case, the visit/hit record information must be purged to the user in order for the user to access this type of usage information" (*see* Office Action dated October 31, 2005, page 6).

To begin with, the Applicant does not agree with the Examiner's logic. On page 7 of the Office Action dated September 22, 2006, the Examiner states that "[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to purge the visit/hit record information with the motivation of allowing the release of this type of information to one who requests it." But if the visit/hit record information has been purged (that is, deleted), then there is no information that can be released "to one who requests it". The Applicant would appreciate the Examiner explaining why giving a user access to usage information mandates that the visit/hit record information be purged.

The only interpretation the Applicant can provide for the Examiner's statement, based on the cited portion of Hansen, is that purging, as used by the Examiner, refers to clearing the screen so that other information can be displayed. But there are two problems with this interpretation. First, this "purging" would not be the type of purging referred to in the claims. Second, in fact, Hansen is clear that such "purging" is not required.

First, the claims are all clear that the information being purged is being purged from the database. Since the database is distinguishable from the display, clearing the display is not what is being claimed. This means that Hansen does not teach or suggest the claimed feature.

Second, in column 2, lines 65-66, Hansen states that "[r]espective displays of Web-site content and of usage information can coexist on the screen". If content and usage information can coexist, then it is not true that one information "must be purged" (according to the Examiner) to display the other information. Thus, Hansen explicitly teaches away from "purging" in this

context, and the Examiner is incorrect in arguing that Hansen teaches purging. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features.

As Hansen and Weinberg do not teach or suggest purging any information (be it visit information, hit records, or inaccurately counted visit information), claims 20, 22, 42, 44, and 50 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 20, 22, 42, 44, and 50 are allowable.

Claim 53 is directed toward a method for tracking a visit information, the method comprising: assigning a name to the visit information; identifying a uniform resource locator (URL) and a parameter name for the value for the visit information; specifying the URL and the parameter name as a source of a value for the visit information; and storing the name of the visit information and the source of a value for the visit information in a database.

Claim 56 is directed toward a computer-readable medium containing a program to track a visitor characteristic, the program comprising: assignment software to assign a name to the visit information; identification software to identify a uniform resource locator (URL) and a parameter name for the value for the visit information; specification software to specify the URL and the parameter name as a source of a value for the visit information; and storage software to store the name of the visit information and the source of a value for the visit information in a database.

In rejecting claims 53 and 56, the Examiner indicates that at column 5, lines 49-56, Hansen taught the feature of identifying a uniform resource locator and a parameter name for the value for the visit information. But, in fact, all that the cited portion of Hansen describes is that displays need to be synchronized: for example, when a URL is downloaded. There is no mention in the cited portion of Hansen (or anywhere else in Hansen) about a parameter name. But claims 53 and 56 recite that "the URL and the parameter name [are specified] as a source of a value for the visit information". So the source of the value for the visit information includes the parameter name. As Hansen does not teach parameter names, Hansen does not teach the features of claims 53 and 56. Similarly, Weinberg does not teach or suggest these features either, and so the combination of Hansen and Weinberg cannot teach or suggest these features.

As Hansen and Weinberg do not teach or suggest purging any information (be it visit information, hit records, or inaccurately counted visit information), claims 53 and 56 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 53 and 56 are allowable, along with dependent claims 55 and 58.

Rejections over Hansen in view of Weinberg and Dedrick

Claim 8 is directed toward a method according to claim 1, wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business.

Claim 30 is directed toward a computer-readable medium containing a program according to claim 23, wherein the recognition software includes identification software to identify an advertising campaign that brought the visitor to a business.

In rejecting claims 8 and 30, the Examiner acknowledges that "neither Hansen et al nor Weinberg et al disclose wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business" (*see* Office Action dated September 22, 2006, pages 11-12). The Examiner cites to Dedrick, column 18, lines 34-39 as teaching this feature.

The Applicant respectfully disagrees. While Dedrick mentions advertisements, this does not mean that Dedrick teaches identifying the advertising campaign that brought the visitor to the business. Dedrick is directed toward providing advertisements to end users, using a "yellow page server" (*see* Foote, column 18, line 35). The "yellow page server" is not the same as the server of the business: quite the contrary, Dedrick states that the "yellow page servers serve as the repositories for the electronic advertisements". The servers that host the businesses are therefore elsewhere.

Dedrick can identify the advertising campaign that "sends" a user to a businesses web site. But Dedrick does not provide any way for the business to identify the advertising campaign that "brought" the visitor to the business, as claimed. This difference is important. Dedrick's focus is from the perspective of the advertising source, from which it is easy to identify the campaign. But from the perspective of the business, which is the perspective of the claims, it is difficult to identify the advertising campaign that brought the visitor to the business; Dedrick does not teach or suggest how such information might be identified.

An analogy might be helpful. Consider a series of rooms, each with a single door, which leads out into a common hall. From the perspective of any individual room, it is a trivial matter to tell which door leads into the hall. This is the perspective Dedrick presents. But from the perspective of the hall, with someone standing somewhere at random in the hall, it is very difficult to identify the room from which the person entered the hall. This is the perspective of the claimed invention, and Dedrick does not assist in solving this problem, whether by itself or in combination with Hansen and Weinberg.

As Hansen, Weinberg, and Foote do not teach or suggest releasing identifying an advertising campaign that brought the visitor to a business, claims 8 and 30 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Dedrick. Accordingly, claims 8 and 30 are allowable.

Rejections over Hansen in view of Weinberg and Foote

Claim 15 is directed toward a method according to claim 1, wherein storing the visit information includes: using a semaphore on the database for a time range; and releasing the semaphore after the visit information is stored.

Claim 16 is directed toward a method according to claim 15, wherein storing the visit information further includes blocking an operation on the time range until the semaphore is released.

Claim 17 is directed toward a method according to claim 1, further comprising: using a semaphore on the database; retrieving the visit information from the database; and releasing the semaphore after the visit information is retrieved.

Claim 37 is directed toward a computer-readable medium containing a program according to claim 23, wherein the storing software includes: using software to use a semaphore on the database for a time range; and releasing software to release the semaphore after the visit information is stored.

Claim 38 is directed toward a computer-readable medium containing a program according to claim 37, wherein the storing software further includes blocking software to block an operation on the time range until the semaphore is released.

Claim 39 is directed toward a computer-readable medium containing a program according to claim 23, the program further comprising: using software to use a semaphore on the

database; retrieval software to retrieve the visit information from the database; and releasing software to release the semaphore after the visit information is retrieved.

Claims 15-17 and 37-39 all include the feature of a semaphore. The Examiner states that "neither Hansen et al nor Weinberg et al disclose the following" (*see* Office Action dated September 22, 2006, page 13): the Applicant assumes the Examiner is acknowledging that Hansen and Weinberg both fail to disclose the concept of a semaphore, give that the Examiner refers to Foote for the concept of a semaphore.

To begin with, Foote is not analogous art. MPEP 2141.01(a) provides that to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. Prior art is analogous art if the reference is "in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." The MPEP cites to *Medtronic, Inc. v. Caridac Pacemakers*, 721 F.2d 1563, 220 U.S.P.Q. 97 (Fed. Cir. 1983) as an example of art that was analogous because both references used circuits in high power, high frequency devices which inhibited the runaway of pulses from a pulse source. The court held that one of ordinary skill in the pacemaker designer art would look to the solutions of others when faced with a rate limiting problem.

The present invention relates to storing network traffic information. In contrast, Foote relates to storing and updating configuration information about I/O cards. These fields are not analogous.

There is no logical reason for the present inventors to have considered the Foote patent when addressing the problem solved in the present application. Foote generates a memory image of the configuration state of an I/O card from its terminal base. When that I/O card is removed and a new I/O card inserted, the new card can be configured using the memory image. This has nothing to do with network traffic information. As Foote does not even address network traffic information, it would not make sense for the inventor of the present application to refer to Foote.

The Examiner states that "Foote discloses this limitation [the semaphore] in an analogous art for the purpose of determining the times of subsequent access requests". But the Examiner presents no argument as to why the Examiner believes Foote is analogous art. And the fact that the claimed invention uses a semaphore on a database does not mean that Foote, which is directed toward I/O card configuration information, is automatically analogous art.

In addition, while Foote does include the word "semaphore", Foote is not teaching a semaphore as claimed. According to claims 15 and 37, the semaphore is released when the visit information is stored; according to claims 17 and 39, the semaphore is released when the visit information is retrieved. In contrast, Foote teaches something called a "semaphore request time parameter". According to Foote, the semaphore requests time parameter "specifies the maximum time duration the I/O module control [*sic*] access to the register space" (*see* Foote, column 5, lines 63-65). In other words, the Foote semaphore request time parameter indicates to a blocked process a time at which the semaphore will have been released by the process that had grabbed the semaphore. Put yet another way, the Foote semaphore is guaranteed to be released by its requestor no later than the time specified by the semaphore request time parameter (although another process might have grabbed the semaphore before the blocked process grabs the semaphore for itself). The claimed invention makes no such guarantee that the semaphore will ever be released, nor is any time parameter provided by which the process that has currently grabbed the semaphore will release it.

The Examiner states that "Foote discloses this limitation . . . for the purpose of determining the times of subsequent access requests" (*see* Office Action dated September 22, 2006, page 13). But this is not the purpose of the semaphore in the claims. As stated in claims 16 and 38, the purpose of the semaphore is to "block[] an operation on the time range until the semaphore is released". This distinction is subtle, but important. Foote guarantees a time at which the process currently holding the semaphore will have released it. The claims, on the other hand, use the semaphore to block the operation until the semaphore is released. Thus, in the claimed invention, it is theoretically possible for the operation to be blocked indefinitely by whatever currently holds the semaphore. This possibility does not exist in Foote.

In addition, nowhere does Foote recite actively releasing the semaphore, and in fact, Foote does not require active release of the semaphore. The semaphore will be released automatically after the semaphore request time parameter has passed. In contrast, claims 15 and 17 recite "releasing the semaphore"; claims 37 and 39 are similar.

As Hansen, Weinberg, and Foote do not teach or suggest releasing a semaphore, or even a semaphore as claimed, claims 15-17, 37-39, and 52 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Foote. Accordingly, claims 15-17, 37-39, and 52 are allowable.

Claim 18 is directed toward a method according to claim 1, wherein storing the visit information further includes taking a snapshot of a setting for the database for use in analyzing the visit information.

Claim 40 is directed toward a computer-readable medium containing a program according to claim 23, wherein the storing software further includes snapshot software to take a snapshot of a setting for the database for use in analyzing the visit information.

Claim 51 is directed toward an apparatus according to claim 45, the apparatus further comprising a snapshot of a setting for the database for use in analyzing the visit information.

Claims 18, 40, and 51 all recite a snapshot. The Examiner states that "neither Hansen et al nor Weinberg et al disclose the following" (*see* Office Action dated September 22, 2006, page 14): the Applicant assumes the Examiner is acknowledging that Hansen and Weinberg both fail to disclose the concept of a snapshot, give that the Examiner refers to Foote for the concept of a snapshot.

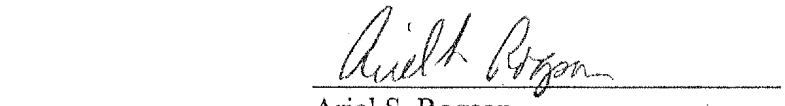
The Examiner cites to column 36, lines 37-39 of Foote as teaching a snapshot. According to the cited portion of Foote, "[t]he Snap Shot feature of the present invention allows the user to capture the state of a module bank for later use as a power up configuration upon the next power-up event." In other words, the use of Foote's snapshot is limited to power-up configuration at the next power-up event. In contrast, the claims recite the use of the snapshot in analyzing the visit information. This is distinguishable from Foote's use of the snapshot feature.

As Hansen, Weinberg, and Foote do not teach or suggest using a snapshot in analyzing the visit information, claims 18, 40, and 51 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Foote. Accordingly, claims 18, 40, and 51 are allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-6, 8-28, 30-53, 55-56, and 58-61 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Ariel S. Rogson
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575

regenerate

One entry found for **regenerate**.

Main Entry: **2re·gen·er·ate**
Pronunciation: ri-'je-n&-"rAt
Function: *verb*
intransitive verb
1 : to become formed again
2 : to become regenerate : REFORM
3 : to undergo regeneration
transitive verb
1 a : to subject to spiritual regeneration **b** : to change radically and for the better
2 a : to generate or produce anew; *especially* : to replace (a body part) by a new growth of tissue **b** : to produce again chemically sometimes in a physically changed form
3 : to restore to original strength or properties
- re·gen·er·a·ble /-'je-n&-r&-b&l, -'jen-r&-/ *adjective*

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Pronunciation Symbols

EXHIBIT 2
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